

## **Initial Statement of Reasons Title 19 CCR Sections 2510 through 2560**

### General Statement

One of the responsibilities of the Office of Emergency Services is the development of curriculum and training programs for Hazardous Materials Emergency Response. These programs are California specific and developed for local Fire Service, Law Enforcement agencies, health departments and other local agencies and departments. The training programs are designed to assist State and Local emergency responders prepare for Hazardous Materials Incidents and meet specific State of California Occupational Safety and Health Administration (CalOSHA) regulations.

The Hazardous Materials Section of the California Specialized Training Institute (CSTI) fulfills the OES training mandate through an in-house instructional staff. The CSTI staff develop and present regional and open-enrolment training programs, provide instructor training and maintain the outreach program.

A non-CSTI employee may teach most of the CSTI Hazmat courses and issue State of California Certification, provided they have fulfilled the instructor requirements and hold current CSTI Instructor Certification. These courses are referred to as “outreach” classes and the instructors as “outreach instructors”.

### General Problem Statement

A combination of budgetary, regulatory and industry standard changes, since the September 11<sup>th</sup>, 2001 disaster have shifted the focus of training to include Weapons Of Mass Destruction (WMD) issues. One of the industry standards, the National Fire Protection Association (NFPA) has recently revised their “NFPA 472 Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents” (192 pages) to address the WMD issue. In addition, FEMA, the Environmental Protection Agency (EPA) and Department of Homeland Security (Grants and Training) have issued new standards that affect how first responders handle emergencies. CSTI staff review this material and through a continuing updating process, captures recommendations for curriculum modification, program maintenance and new classes. The sheer volume of changes makes this submission the first in a series of submissions to bring the CSTI outreach curriculum and outreach training policies in line with expert and peer committee recommendations.

### General Purpose Statement

The general purpose of these changes are to update and modify current curriculum, delete outdated material, place new classes into the regulations (and therefore available to outreach instructors) and make substantive and non-substantive changes to existing regulations.

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OES proposes the following modifications:

### Section 2510 Definitions.

Upon review of the definitions (a) through (cc) it was determined that these terms are defined elsewhere within the California Code of Regulations. It was decided that definitions included in section 2510 should be related to the CSTI outreach instructor program and not duplicate existing regulations. Most of the definitions found in sections (dd) through (mm) were also deleted as these terms are defined within the text of most courses and are not critical to understanding these regulations. Several terms were left intact and renumbered; several terms were added to help clarify the origins of specific terms and the intent of these regulations.

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### Section 2520 (b)(3) -- Haz Mat Emergency Response – First Responder Operations Level

The requirement for “current certification” establishes that the participant has current knowledge and understands current practices in addition to having the minimum competencies as required by OSHA. Note that “current certification” is a term being added to these regulations under 2510, Definitions. The term competencies was deleted and replaced with “terminal objectives”. The terminal objectives of a course are a more accurate yardstick by which to compare programs. The quality of the training is measured by a written and/or practical exam, which is based on the terminal objectives.

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Section 2520 (c)(3) Haz Mat Emergency Response Incident Commander Course changes include the requirement for “current certification”. This ensures that the participant has current knowledge and understands current practices in addition to meeting the minimum training requirements as set forth by Cal OSHA. The term *competencies* was deleted and replaced with “terminal objectives”. The terminal objectives of a course are a more accurate yardstick by which to compare programs. The quality of the training is measured by a written and/or practical exam, which is based on the terminal objectives.

Title 8 CCR 5192(q)(6)(E) (29CFR1910.120(q)(6)(v)) requires 24 hours of training (plus the listed competencies) for certification as an Incident Commander/On-Scene Manager. OES is changing the required hours listed in their regulations, Title 19 CCR Section 2520 (c)(3), from 24 hours to 16 hours with a caveat that the participant has taken a First Responder Operations Class which meets the terminal objectives of the First Responder Operations Class listed in Section 2520 (b).

Justification for the change is two fold: First: The Incident Commander Class listed in Section 2520 (c) requires 32 hours of training. An exception is provided for the student who already has the Operations level training. This exception reduced the Incident Commander training to 24 hours – based on the 24 hour requirement.

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A letter was written to Federal OSHA, by OES, requesting clarification of the 24 hour training requirement for Incident Commander. Richard E. Fairfax (Director of Enforcement Programs – (202) 693-2190 – Sept. 17, 2004: Bennett/OES) replied and stated that 24 hours was the minimum, and included First Responder Operations Level Training.

OES is reducing the Incident Command training hours to qualified students who have taken a First Responder Operations Level class equal to the OES class in 2520(b). For example, a Fire Fighter is trained to the First Responder Operations (FRO) Level and recertified annually. In this case he or she is provided with a CSTI FRO Certificate. The Fire Fighter is promoted and is now required to take the Incident Commander Class. This Fire Fighter would only have to take 16 hours of Incident Command training and are given “credit” for the 12 or 24 hours of Operations training they already have. Thus, if the student has 12 hours of Operations and 16 hours of Incident Commander training, that totals 28 hours of training – 4 hours over the OSHA minimum.

The second reason for lowering the qualified limit is that it provides instructors with additional options for targeting students. In cases such as Fire Departments, Law Enforcement and Community Colleges, the First Responder Operations Class and the Incident Commander Class can be presented in succession without duplication of material and wasted time.

Section (c)(6) Change hours from 24 to 16.

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Section 2520 (k) Hazardous Materials Emergency Response: Technician/Specialist (1A): Basic Chemistry

(1)(H) Phrase changed to make the objective consistent with the revised curriculum. Objective (1)(G) addresses salts, Objective (1)(H) should be corrected to address non-salts.

(R) Phrase changed to make the objective consistent with the revised curriculum. Field test methods are not discussed in the revised curriculum.

(Z) Phrase changed to correct term.

(AA) Phrase changed to correct spelling.

(2) Phrase changed to correct grammar.

(4)(A) Editorial revision to be consistent with the formatting of the rest of the section and to correct grammar.

(5) Phrase changed to correct grammar and to reference correct section.

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Section 2520 (l) Hazardous Materials Emergency Response: Technician/Specialist (1B): Applied Chemistry:

(1)(B) Phrase changed to correct grammar.

(2) Phrase deleted to be consistent with the revised curriculum. A wall mounted “Periodic Table of The Elements” is not necessary for the revised curriculum.

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- (4)(A)(ii) Phrase changed to correct grammar.
- (6)(A)(ii) Phrase changed to correct grammar.
- (iii) Phrase changed to correct grammar.
- (6)(B) Phrase changed to correct grammar.
- (i) Phrase added to correct title of reference.
- (iv) Phrase deleted, second reference should not be listed.
- (vii) Phrase corrected to current title of reference.
- (ix) Phrase corrected to correct title of reference.
- (C) Phrase changed to correct grammar.
- (iii) Electronic reference changed to reduce financial burden on instructors teaching this class. OREIS is a free program, ChemKnowledge is a program which costs \$2500 annually. Additionally, not many Haz Mat Teams can afford the ChemKnowledge program and it is not as widely used as the OREIS program.
- (7) Phrase changed to be consistent with Section 2520(k)(5).

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### Section 2520 (n) Hazardous Materials Emergency Response: Technician/Specialist (1D) Tactical Operations:

Section (n) was reviewed and found to contain objectives and equipment requirements which are duplicates of the requirements found in Title 19 § 2520(m), the class immediately preceding this class (n). Several sections were deleted and the remaining sections renumbered, several typographical corrections were made and in one case, a name change was made to reflect updated terminology. The itemized list of changes include:

- (n)(1)(L) Delete materials and objectives covered in the previous class (1C).
- (n)(1)(S) Delete materials and objectives covered in the previous class (1C).
- (n)(1)(T) Renumber
- (n)(1)(U) through (FF) Delete materials and objectives covered in the previous class (1C). Renumber remaining items.
- (n)(1)(GG) and (HH) Deleted as not relevant to the curriculum
- (n)(1)(Z) Renumber
- (n)(4)(A) Delete materials and objectives covered in the previous class (1C).
- (n)(4)(C) and (D) Renumber to (A) and (B) respectively.
- (n)(4)(x) Delete; SOPs are required of the employer. This class teaches concepts and skills. Agency specific classes will teach to SOPs based on OSHA regulation, therefore this objective is confusing and misleading.
- (n)(6)(A)(iii) and (C)(ii) Delete materials and objectives covered in the previous class (1C).
- (n)(6)(C)(iii) Renumber
- (n)(6)(H)(x) Delete materials and objectives covered in the previous class (1C).
- (n)(6)(H)(x) and (xi) Renumber
- (n)(6)(O) Delete materials and objectives covered in the previous class (1C).
- (n)(6)(R)(v) a. through f. Were moved under the proper heading from (vi).
- (n)(6)(S) Correction for name change by publisher

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### Section 2520 (r) Hazardous Materials Weapons of Mass Destruction: Assistant Safety Officer

19CCR2520(r) The Hazardous Materials /Weapons of Mass Destruction: Assistant Safety Officer course is being placed into the regulations to allow CSTI qualified persons to teach this class (outreach instruction) and certify participants. The Outreach program allows qualified personnel from across the state to bring the class back to their jurisdiction and teach it to their own personnel. By placing this course in outreach and certifying additional instructors, many more classes will be presented than have been presented in-house by CSTI staff only.

This decision is based on following; There is a requirement in 8 CCR, Section (q) (3) (G) and in 29 CFR 1910.120 (q) (3) (vii), that mandates the Incident Commander appoint a Safety Official at a hazardous materials incident. Over the years, it has been determined that a class is needed to train qualified persons to fill the position. A combination of Curriculum Committee recommendations, Jurisdictional recommendations, consultation with other agencies, Federal Office of Domestic Preparedness recommendations and California regulation prompted CSTI to develop the course and teach it in-house.

In addition, FIREScope, as part of the Hazardous Materials Team Typing (an OES requirement for mutual aid) requires that at least one member of each hazmat team in the State of California have a certified Hazardous Materials /Weapons of Mass Destruction Assistant Safety Officer. Therefore, the need for the class has grown and the decision was made to place it into outreach for wider distribution.

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Section 2520 (v) Hazardous Materials Emergency Response Emergency Medical Response to Hazardous Materials Incidents: A Guide for First Responders. This class is being deleted and replaced by the below listed class. During the revision of this course, it was determined that the focus must be shifted to meet the needs of the State's emergency response community and the number of changes and modifications made line by line changes too complex.

### Section 2520 (v) Hazardous Materials Weapons of Mass Destruction: Emergency Medical Response Course

This course was specifically designed to instruct Emergency Medical Response personnel in the tactics, procedures and equipment required to safely respond and work in close proximity to a hazardous materials or weapons of mass destruction incident. This course differs from the deleted course in several ways, first, it addresses WMD agents and WMD response issues. Second, this will certify students to the first responder operations (8CCR5192(q)(6)(B)) level, one level higher than the previous class. Third, this will bring the class into line with several preexisting CSTI outreach classes. This course is designed to meet the needs of Emergency Medical Response personnel who may respond to Hazardous Materials/ WMD and mass casualty incidents.

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Section 2520 (w) Hazardous Materials Weapons of Mass Destruction: Emergency Medical Response, First Receiver Operations and Decontamination for Health Care

The course name change and curriculum changes are in response to a federal OSHA opinion and document which changes role of health care personnel from first responders to first receivers. See below for further details on the federal program.

([http://www.osha.gov/dts/osta/bestpractices/firstreceivers\\_hospital.html](http://www.osha.gov/dts/osta/bestpractices/firstreceivers_hospital.html)), Fed OSHA, (2004, December 20). This document is designed to provide hospitals with practical information to assist them in developing and implementing emergency management plans that address the protection of hospital-based emergency department personnel during the receipt of contaminated victims from mass casualty incidents occurring at locations other than the hospital. Among other topics, it covers victim decontamination, personal protective equipment, and employee training, and also includes several informational appendices.)

Section 2520 (w) (5) Last sentence changed the section code to accurately represent the exam requirement in section 2540.

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Section 2520 (ee) Hazardous Materials / Weapons of Mass Destruction, First Responder Operations, Law Enforcement Field Support Course.

This hazardous materials First Responder – Operations level course was developed to meet the training needs of law enforcement personnel likely to encounter or be directed to respond to weapons of mass destruction or hazardous materials incidents.

Law enforcement first responders at the operations level are required to recognize weapons of mass destruction and hazardous materials incidents, take action to isolate the scene and make appropriate notifications. Furthermore, they are required to establish on-scene command and take those actions necessary to protect the public, the crime scene, the environment, and property.

Law enforcement first responders operate in support of public safety and environmental health agencies responding to weapons of mass destruction and hazardous materials incidents. Additionally they conduct criminal investigations of any weapons of mass destruction or terrorism related hazardous materials incident.

CSTI is making this program of instruction available to outreach instructors.

This First Responder – Operations course meets the requirement of Title 8, California Code of Regulations Section 5192 (q)(6)(B), Title 29, Code of Federal Regulations, 1910.120, Title 40, Code of Federal Regulations, 311 for Law Enforcement Personnel..

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### Section 2520 (ff) Hazardous Materials Emergency Response: Technician / Specialist Terrorism Course

Hazardous Materials Technicians and Specialists are specifically trained to enter dangerous environments to deal with chemical incidents. Most chemicals are industrial grade and while they present a threat to life and property, the release is generally accidental. In a terrorist incident, response tactics change to meet the deliberate nature of the release, the super toxicity of the hazard and the possibility of secondary WMD devices (designed to kill or injure the responders). Terrorism response differs from hazardous chemical response in several ways: First, the terrorist event is deliberate and is designed to affect many people (greater life threat). Second, a terrorist event requires a more complex response, involving many other agencies and the potential for large numbers of casualties. The third difference is based on equipment: Specialized air monitoring devices are added to the mix, NIOSH approvals for WMD/Terrorism respirators are different than normal hazmat respirators.

This course was developed to provide Technicians and Specialists with the knowledge, skills and tactics to deal with a Terrorism/WMD incident. This course also provides information employers can use to certify that their employees (Technicians and Specialists) are trained to perform their assigned tasks, as required by OSHA.

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### Section 2520 (gg) Hazardous Materials/Weapons of Mass Destruction, First Receiver Awareness and Decontamination for Health Care

This course is placed in Regulation at the request of Hospital Trainers and Hospital Safety personnel to expand the core of trained staff in Hospitals. Not all personnel in the hospital setting will require the Operations level of training but virtually all staff would benefit from Awareness Training. This is intended to be an entry level course which can be built upon as individual and organizational need dictate.

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### Section 2530. Instructor Certification Requirements.

(f) Name change as described in 2520 (v).

(3)(A) This change reduces the minimum certification requirement from EMT-P to EMT-1 (with experience and college) in order to permit a wider distribution of training. Most Fire Fighters are certified to the EMT-1 level and a job analysis has determined that this change will not lower the standard of instructional staff. The EMT-1 (with experience and college) knowledge base combined with current HazMat Specialist certification and Instructor training provide an equivalent level of training to the previous level.

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(g) Change the course name to Hazardous Materials / Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care to better reflect the target audience and utilize the Federal OSHA term “First Receiver”.

(g)(2) Change name to Hazardous Materials / Weapons of Mass Destruction Emergency Response, First Receiver Operations and Decontamination for Health Care and relax the instructor requirements to allow a broader instructor base.

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(l) Delete the “reserved for future use” place holder to allow the below listed course to be added.

(l) This section adds the HazMat / WMD FRO Law Enforcement Field Support course to the Instructor Requirements Section and specifies the qualifications required for any outreach instructor wishing to teach this class. A requirement that specific portions of the class are presented by active Law Enforcement assures a discipline specific focus. This will also comply with P.O.S.T.’s (California Dept. of Justice, Peace Officer Standards and Training) interest in Law Enforcement involvement in Law Enforcement Classes.

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(m) This section adds the instructor requirements for individuals wishing to teach the Assistant Safety Officer class. Title 8 CCR 5192 (q) requires an Incident Commander at the scene of a Hazardous Materials / Terrorism incident to appoint an individual, who is knowledgeable in the operations being performed, to the position of Safety Officer. It was determined through a combination of industry standards and OSHA interpretations that the Safety Officer had to be a Hazardous Materials Specialist and had to have additional detailed knowledge. In addition, Firescope (OES Fire Section) requires an Assistant Safety Officer for each Hazardous Materials response team under statewide Team Typing. Therefore, in order to teach this class, it is reasonable to require a higher level of knowledge, including: certification as a HazMat Specialist Instructor, teaching experience, completion of this class as a student and sufficient experience on a HazMat team.

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(o) This section adds the instructor requirements for individuals wishing to teach the HazMat Technician/Specialist Terrorism class. This can be considered an advanced level class and is additional new information presented to Hazardous Materials Technicians and Specialists. It was determined through a combination of industry standards and OSHA interpretations that an outreach instructor teaching this curriculum must have a strong background in Safety and must understand the fundamentals of Hazardous Materials Emergency Response. Therefore, in order to teach this class, it was deemed appropriate to require a higher level of knowledge, including:



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certification as a HazMat Technician or Specialist Instructor, teaching experience, completion of this class as a student and sufficient experience on a HazMat team.

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(p) Hazardous Materials/Weapons of Mass Destruction, First Receiver Awareness and Decontamination for Health Care

This section adds the instructor requirements for individuals wishing to teach the Hazardous Materials/Weapons of Mass Destruction, First Receiver Awareness and Decontamination for Health Care course. This minimum 4 hour, entry level class is placed in Regulation at the request of Hospital Trainers and Hospital Safety personnel to expand the core of trained staff in Hospitals. The majority of instructor candidates will come from the Hospital/Health Care profession. The instructor requirements are set to insure the instructor is trained in this subject to at least one level above this class and has the professional credentials to assure competency in the area of employment being targeted. It is designed to meet the requirements of Title 8 CCR 5192 (q)(7) qualifications for Trainers.

### Section 2540 Administrative Procedures

(k) Safety Policy

(k) Note: The following recommended revisions are the results of feed back from students, staff and instructors, also the adding of additional courses which use Air Purifying Respirators (APRs).

(1)(A) This process will ensure the students will meet medical qualifications prior to class. This change solidifies the process to use the CSTI standardized form

(1)(G) Non-substantive change, clean-up language and clarify

(2)(B) Curriculum now addresses the use of APR and PAPR so regulations must reflect this addition. CSTI Medical Qualification Form standardizes the process for proper safety and medical qualifications prior to class.

(3)(A)(iii) Add standardized injury reporting form as the method of communications to prevent missed communications.

(3)(A)(iv) Word changing to standardize the CSTI injury reporting form to ensure consistency and needed information.

(5)(C) Curriculum now addresses the use of level C so regulations must reflect this addition.

(5)(G) Curriculum now addresses the use of level C so regulations must reflect this addition.

(5)(I) Curriculum now addresses the use of level C so regulations must reflect this addition.

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Section (m) was revised to be consistent in title, changing Operational to Operations. In addition, we are reducing the course managers work load by requiring one form for the class rather than having the course manager fax one form for each student. Section (6) and (7) were added to insure the participant will meet the prerequisite(s) with courses that are contemporaneous. OSHA requires first responders to be trained and certified in order to work within the field. Currently, OSHA requires a refresher class for these classes on an annual basis.

While it is not OES's responsibility to enforce OSHA requirements, it is OES's duty to assure that the materials presented in our classes are current. A student who attended a First Responder Operations 8 hour class 4-5 years ago should not qualify for 8 hours of equivalency under the CSTI First Responder Operations class because the material has changed tremendously. And, unless the person has used this material, it is unlikely they will remember enough of the material to advance to a higher level without a serious review (refresher). When OES offers to give equivalency credit for a non-CSTI class, that class must be equivalent to the CSTI class for which it is being substituted.

- (1) Name correction, update document submission section and non-substantive sentence change.
- (2) Name correction, update document submission section and non-substantive sentence change.
- (5) Name correction, update document submission section and non-substantive sentence change. Brings first sentence into line with the above sentences.
- (6) Adds the requirement that certifications be current and for courses that are equivalent to the CSTI course of the same type.
- (7) Authorized the Chief of the Hazardous Materials Section at CSTI to permit exceptions to the above rules on a case by case basis.

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### Section 2540(t) Certified Curriculum

A variety of Student Manuals and POI's (Plans of Instruction) are listed to be included in the regulation as a requirement of each course. These entries are required to assure that Instructors and Course Managers utilize the correct and most current materials when presenting the class.

Section 2550 Administrative Forms: Add the standardized forms referenced in the Safety Policy 19 CCR 2540(k).